

REMARKS

I. STATUS OF SPECIFICATIONS

The disclosure has been amended to include a “Summary” Section and “Detailed Description of the Invention” as required under MPEP § 608.01(d) and (g). The abstract of the application has also been amended to not exceed 150 words. Accordingly, Applicant respectfully requests entry of the amendments to the specifications.

II. PRIORITY

In compliance with 35 U.S.C. 119(b), a certified copy of application no. PCT/SG00/00069, filed on 05/11/2000, is enclosed. Accordingly, Applicant respectfully requests acceptance of the claim for foreign priority.

III. STATUS OF DRAWINGS

Figures 1-8 have been amended with replacement Figures 1-8 in a submission on October 21, 2004 to overcome the objections raised by Examiner in the Office Action on pages 2-3. The Office Action set a shortened period for reply of two months from the mailing date of the Office Action, which made submission of replacement drawings due on or before October 23, 2004. Figures 1-8 have been corrected to replace the numbers in the flow charts with text, in accordance with 37 CFR 1.81. Accordingly, Applicant respectfully requests withdrawal of the objections to the drawings and for acceptance of replacement Figures 1-8 as submitted on October 21, 2004.

#### IV. STATUS OF THE CLAIMS

Claims 1-8 were pending in the Application. By this amendment, Claim 2-5 are being amended, Claims 7-8 are being canceled, and Claims 9-13 are being added. No new matter is involved.

The claims have been objected to as not being the object of a sentence starting with “I claim” or “We claim”. Correction is required under MPEP § 608.01(m).

Claims 3, 7-8 were rejected in the Office Action under 35 U.S.C. § 112, second paragraph (hereinafter, “Section 112, Par. 2”) as being indefinite.

Claims 1-8 were rejected under 35 U.S.C. § 103(a) (hereinafter, “Section 103(a)”) as being unpatentable over Wick, (U.S. Pat. No. 6,691,162,) in view of Appelman et al. (U.S. Pat. No. 6,539,421, hereinafter, “Appelman”), and in further view of Carey et al. (U.S. Pat. No. 6,714,793, hereinafter, “Carey”).

Applicant respectfully traverses all rejections and requests reconsideration.

#### A. OBJECTION TO CLAIMS

In accordance with MPEP §0608.01(m), Applicant respectfully submits the amendment to the first sentence beginning with the claims on page 20 of the specification. Accordingly, Application respectfully requests withdrawal of the objection to the claims.

#### B. REJECTION UNDER SECTION 112, PAR. 2

Claim 3 was rejected under Section 112, Par. 2 as being indefinite for the recitation of “other activities” as undefined, resulting in the scope of the claim being unascertainable. Examiner asserts that this language is understood as “sign on activities”. Applicant

respectfully accepts Examinations assertion of the language and amends Claim 3 accordingly.

As such, Applicant requests withdrawal of the rejection of Claim 3 under Section 112, Par. 2.

Claims 7 and 8 were rejected under Section 112, Par. 2 as being indefinite as Omnibus type claims. Applicant respectfully requests that Claims 7 and 8 be canceled from this application, without prejudice or disclaimer of the subject matter therein.

C. REJECTION UNDER SECTION 103(a), Wick in view of Appelman and Carey

Claims 1-8 were rejected under Section 103(a) as being unpatentable over Wick in view of Appelman and Cary. In rejecting claim 1 as being unpatentable over Wick in view of Appelman and Cary, the Examiner stated that

“Wick substantially teaches the invention as claimed including communicating with and/or monitoring of a targeted user in computer-network environment (e.g. an instant messaging system) involves detecting that the targeted user has signed on to the network, and upon detecting the signon, automatically communicating with the targeted user. (See abstract)”, (Office Action page 5). The Examiner further stated that “Wick does not explicitly suggest; however, Appelman teaches a method of keeping track of the last involvement of the user with the server with a time stamping field (col. 9, lines 36-56)...Neither Wick nor Appelman expressly teaches a database for storing an activity of the user; however, Carey teaches such concept at col. 3, lines 20-34. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Wick with message time stamping as disclosed by Appelman with the database as disclosed by Carey.” (Office Action, pg. 5-6).

Applicant respectfully traverses Examiner’s rejection as explained below.

As explained in M.P.E.P. Section 706.02(j):

*To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*

The three above-mentioned criteria must exist at the time the claimed invention was made, according to the text of Section 103(a) itself. The Examiner has not established a *prima facie* case of obviousness using Wick, Appelman and Cary for at least the reasons stated below.

**Wick, Appelman and Cary**

Wick discusses communicating with and/or monitoring of a targeted user in computer-network environment (e.g. an instant messaging system) involves detecting that the targeted user has signed on to the network, and upon detecting the signon, automatically communicating with the targeted user, for example, by sending an instant message previously specified by a targeting user. (Wick, Abstract). It is basically monitoring the definitive online status of a user for availability to receive a message.

Appelman discloses a time stamp field that contains the time at which a sender sent a message to a targeted recipient and when that targeted recipient sent a message back, a list which includes the targeted recipient's address is updated with the time when an instant message was sent to the targeted recipient by the sender or when the targeted recipient responds to the sender during the current communication session, if any. (Appelman, col. 5, lines 55-58, col. 9, lines 40-42, 54-56). It is basically a system ranking a list of a user's recipients with whom the user on his/her PC most recently communicated.

Carey discloses a database for storing a user profile having a list of instant message names with each name assigned to an address (phone number). (Carey, col. 3, lines 21-24).

Claims 1 and 6

Applicant requires in Claims 1 and 6 the limitation of “a time variable signifying the time of or time since the last prescribed involvement of the user with said IM server and a probability variable signifying the likelihood of the user still being online” (emphasis added). In addition, claims 1 and 6 further require at least “adjust[ing] said probability variable in a prescribed manner having regard to said time variable”.

With respect to Wick, Appelman and Carey, none of the references teach or suggest all the claims limitations of Applicant’s claims 1 and 6. Wick fails to teach the “an activity status including time variable signifying the time of or time since the last prescribed involvement of the user with said IM server and a probability variable signifying the likelihood of the user still being online”. There is further, no mention of a means to “adjust said probability variable in a prescribed manner having regard to said time variable” as recited in claims 1 and 6, but rather, Wick discloses only a definitive status of a user being available to receive instant messages. (Wick, col. 4, lines 10-25). Examiner cites col. 4, lines 19-25 and col. 2, lines 63-col. 3, line 1 in Wick as disclosing such limitations, however, at most, Wick teaches that a user is online now, not the “time of or time since the last prescribed involvement of the user with the IM server.” Neither is there a mention of the “probability variable signifying the likelihood of the user still being online”. At most, Examiner cites Wick to “enable users to more reliably and efficiently track the comings and goings of their buddies. As a result, the likelihood of user’s being able to communicate (e.g. by instant message) with buddies, even those who sign on to the computer service infrequently or sporadically, is enhanced dramatically.” (Wick, col. 4, lines 21-25). However, this is not

entirely taught, Wick does not actually disclose a user being able to track the “goings” of a buddy, but only the “comings” of a buddy by the monitoring specifically of when a user is online. Of course, by result when one definitely knows a user is online, one will have more likelihood in being able to communicate. Yet, this has nothing to do with the limitation recited in claim 1 and claim 6, of “a time variable signifying the time of or time since the last prescribed involvement of the user with said IM server and a probability variable signifying the likelihood of the user still being online”. Wick does not teach anywhere the “time of or time since the last prescribed involvement” but only indicates a present time, when the buddy is online. Nor does Wick teach the “likelihood of the user still being online”, but only teaches the definitive status of the user being online. Such definitive status of the availability of the user online would inherently add to the likelihood of being able to communicate. However, this still does not teach a “probability variable signifying the likelihood of the user still being online”.

Furthermore, Wick fails to disclose the additional requirement of the checking means to “adjust said probability variable in a prescribed manner having regard to said time variable”. Examiner cites Wick, col. 2, lines 63 –col. 3, line 1, as disclosing this limitation. However, Wick only describes how a user is detected as online, an automatic predetermined message is sent to the user upon detecting the user is available. This in no manner teaches or suggests that there is “adjust[ing of] said probability variable in a prescribed manner having regard to said time variable.” As mentioned above, Wick does not teach a probability variable, but only indicates when a user is online. Therefore, a probability variable is nowhere taught in Wick. As such, Wick fails to teach all the limitations in claims 1 and 6.

Examiner cites Appelman as providing the deficiencies of Wick, however, Applicant respectfully traverses such assertion as discussed below.

Appelman is a system that discusses the time stamping of only messages sent by sender or replied to by the recipient, however, such time stamping when used in combination with Wick, fails to teach all the claim limitations of Applicant's Claims 1 and 6. Nowhere does Appelman teach "a time variable signifying the time of or time since the last prescribed involvement of the user with said IM server and a probability variable signifying the likelihood of the user still being online" and further nowhere is there a "checking means to... adjust said probability variable in a prescribed manner having regard to said time variable". Appelman only discloses the time at which a sender sent a message to a specified recipient and the time the specified recipient replied to the message. This in no manner indicates the users "activity status including a time variable signifying the time of or time since the last prescribed involvement of the user with said IM server".

Appelman's teaching of a time stamp of a message going from a sender to a recipient and the recipient's reply to such message does not indicate the "time of or time since the last prescribed involvement of the user with the IM server". For instance the user may still be on online but such indication would not be known simply by a time stamp of a message sent to the user an hour ago, nor does the user's receipt of the message an hour ago indicate any further if the user is still online. Contrary to Examiner's assertion that Appelman teaches a method of keeping track of the last involvement of the user with the server with a time stamping field, such indication is not taught anywhere. At most in Appelman, a sender may keep track of the user's last interaction with the sender, but cannot determine whether there is any further "involvement of the user with the IM server" as recited in claims 1 and 6.

Examiner further cites Carey as supplying a “database for storing an activity of the user” (Office Action, page 6). However, Cary does not teach storing an activity of the user, rather, Carey teaches “a database for storing a profile for each subscribing user. Each user profile includes a list of instant message names with each name assigned an address (phone number).” (Carey, col. 3, lines 21-24). The database of Carey is for storing static information, a profile list. Carey fails to teach a “database for storing an activity status including: (i) a time variable signifying the time of or time since the last prescribed involvement of the user with said IM server; and (ii) a probability variable signifying the likelihood of the user still being online.” Thus the disclosure of Carey could not enable one skilled in the art to attain the limitations of claims 1 and 6.

Therefore, Wick in light of Appelman and Carey fail to teach or suggest ALL claim limitations as required to establish a prima facie case of obviousness. Applicant respectfully requests withdrawal of the rejection of Claims 1 and 6 under Section 103(a).

#### Claims 2-5, 7-8

Dependent claims 2-5 include all limitations of their respective base claim 1. The deficiencies of Wick, Appelman, and Carey have been discussed above in connection with claim 1. Accordingly, Applicant respectfully submits that these dependent claims are all allowable for at least the same reasons as claim 1, as discussed above. Furthermore, Applicant respectfully submits that these dependent claims are further allowable for the limitations that they themselves recite. Claims 7 and 8 have been canceled.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 2-5 under Section 103(a).

#### D. NEW CLAIMS 9-13

New claims 9-13 have been added to claim the invention more extensively without adding new matter. (See, for example, paragraphs [0075] and [0076] of the Application). Applicant respectfully submits that the new claims are allowable over the cited at least for reasons similar to those by which claims 1 and 6 are allowable over the cited art. For example, Wick, Appelman and Carey are dedicated to their achieving their own respective goals, as discussed above, and simply do not teach or even suggest the elements of the new claims 9-13. Accordingly, Applicant respectfully submits that new claims 9-13 are allowable.

#### V. CONCLUSION

The above-discussed amendments and remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: 11/23/2004

  
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